

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS ROBINSON, INDIVIDUALLY;
AND WILLIAM SMITH, INDIVIDUALLY,
Petitioners,

vs.

THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF NYE; AND
THE HONORABLE ROBERT W. LANE,
DISTRICT JUDGE,

Respondents,

and

CHANEL FRITCHLEY, AN INDIVIDUAL,
Real Party in Interest.

No. 62917

FILED

NOV 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK


ORDER DENYING PETITION FOR WRIT OF MANDAMUS

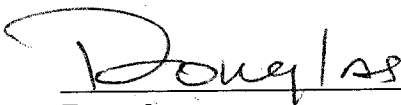
This is an original petition for a writ of mandamus challenging a district court order declining to set aside a default judgment in a tort action.

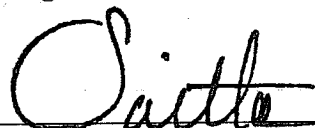
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Writ relief is generally not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. *See* NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. It is within this court's discretion whether to consider a writ petition. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the parties' arguments and the appendix, we conclude that our intervention in the district court action by way of extraordinary writ relief is not warranted in this matter. *See Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: The Honorable Robert W. Lane, District Judge
Ranalli & Zaniel, LLC/Henderson
Prince & Keating, LLP
Nye County Clerk